

EXHIBIT A

Sep 19 2022

Legal Dept - ATL

Julie Turner

From: SOPDelivery@wolterskluwer.com
Sent: Monday, September 19, 2022 11:14 AM
To: Julie Turner
Subject: C T received Process (Log # 542327193) in Tennessee for Mueller Water Products, Inc., DE - Paperless

CAUTION: This email originated externally



CT Corporation
Service of Process Notification
09/19/2022
CT Log Number 542327193

Service of Process Transmittal Summary

[Click Here](#) to access this service of process on the CT SOP Hub.

TO: Jeffrey McClellan
Mueller Water Products, Inc.
1200 Abernathy Road, N.E.
Atlanta, GA, 30328

RE: Process Served in Tennessee

FOR: Mueller Water Products, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: Jeremiah Welch // To: Mueller Water Products, Inc.

CASE #: 22992

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

PROCESS SERVED ON: C T Corporation System, Knoxville, TN

DATE/METHOD OF SERVICE: By Traceable Mail on 09/19/2022

JURISDICTION SERVED: Tennessee

ACTION ITEMS: CT has retained the current log, Retain Date: 09/19/2022, Expected Purge Date: 09/24/2022
Image SOP
Email Notification, Julie Turner jturner@muellerwp.com
Email Notification, BARBARA SMUCYGZ bsmucygz@muellerwp.com
Email Notification, Jeffrey McClellan jmcclellan@muellerwp.com

REGISTERED AGENT CONTACT: C T Corporation System
300 Montvue RD
Knoxville, TN, 37919
866-665-5799
SouthTeam2@wolterskluwer.com

[Click Here](#) to access this service of process on the CT SOP Hub.

[Click Here](#) to access this service of process at CTAdvantage, where you will be automatically routed to the CT SOP Hub.

Or copy and paste the following URL into your web browser.

<https://sop.ctadvantage.com/sophub/App/index.aspx#/search/BasicSearch/1/542327193>

The information contained in this notification is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

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Email Notification, Jeffrey McClellan jmccllellan@muellerwp.com
Email Notification, Julie Turner jturner@muellerwp.com

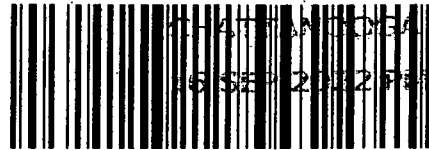
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CERTIFIED MAIL

SUMMERS, RUFOLO & RODGERS, P.C.

THE JAMES BUILDING
735 BROAD STREET, SUITE 800
CHATTANOOGA, TENNESSEE 37402

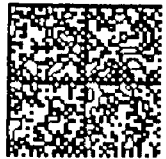


CHATTANOOGA TN 373


16 SEP 2022 PM 1 L

7019 0160 0000 8292 4742

FIRST-CLASS



Mueller Water Products, Inc.
c/o CT Corporation System, Registered Agent
300 Montvue Road
Knoxville, TN 37919-5546

US POSTAGE  **IMMEDIATE DELIVERY**
ZIP 37402
02 7H
0006068445
SEP 15 2022
\$ 008.06

37919-551000

LAW OFFICES OF
SUMMERS, RUFOLO & RODGERS, P.C.

A Professional Corporation

Jerry H. Summers
Jeffrey W. Rufo
Jimmy F. Rodgers, Jr.
Marya L. Schalk
Benjamin L. McGowan

The James Building
735 Broad Street, Suite 800
Chattanooga, Tennessee 37402

September 15, 2022

VIA CERTIFIED MAIL - 7019 0160 0000 8292 4742
RETURN RECEIPT REQUESTED - 9590 9402 4270 8121 2860 47

Mueller Water Products, Inc.
c/o CT Corporation System, Registered Agent
300 Montvue Road
Knoxville, TN 37919-5546

RE: Jeremiah Welch v. Mueller Water Products, Inc.
Marion County Circuit Court, Docket No. 22992

Dear Sir/Madam,

Enclosed are the Summons and Complaint which have been filed in the Circuit Court for Marion County, Tennessee on September 15, 2022, in the above-referenced matter.

Please give me a call at your convenience if you would like to discuss.

Sincerely yours,

SUMMERS, RUFOLO & RODGERS, P.C.

By: _____

Jeffrey W. Rufo

JWR/cnw
Enclosures-

IN THE CIRCUIT COURT FOR MARION COUNTY, TENNESSEE

JEREMIAH WELCH

Plaintiff,

vs.

MUELLER WATER PRODUCTS, INC.

Defendant.

Docket No. 22992

Division No. _____

JURY DEMANDED

S U M M O N S

DEFENDANT: Mueller Water Products, Inc.

**ADDRESS: c/o CT Corporation System, Registered Agent
300 Montvue Road
Knoxville, TN 37919-5546**

You are hereby summoned to answer and make defense to a bill of complaint which has been filed in the Circuit Court of Marion County, Tennessee in the above styled case. Your defense to this complaint must be filed in the office of the Circuit Court of Marion County, Tennessee on or before thirty (30) days after service of this summons upon you. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issued this 15 day of September, 2022.

Circuit Court Clerk, Lonna Henderson

By: Kelli Moraw
Deputy Circuit Court Clerk

**ATTORNEYS FOR PLAINTIFF: SUMMERS, RUFOLO & RODGERS, P.C.
JEFFREY W. RUFOLO
The James Building
735 Broad Street, Suite 800
Chattanooga, TN 37402
(423) 265-2385**

PLAINTIFFS' ADDRESS: c/o Summers, Rufolo & Rodgers, P.C.

Received this _____ day of _____, 2022.

/S/ _____
Deputy Sheriff

OFFICERS RETURN

I certify that I served this summons together with the complaint as follows:

- ☐ On _____, 2022, I delivered a copy of the summons and complaint to the defendant,

- ☐ Failed to serve this summons within 30 days after its issuance because:

SHERIFF

Deputy Sheriff

CLERK'S RETURN

I hereby acknowledge and accept service of the within summons and receive copy of same, this ____ day of _____, 2022.

Defendant

Circuit Court Clerk

By: _____ D.C.

NOTICE TO DEFENDANT(S)

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

IN THE CIRCUIT COURT FOR MARION COUNTY, TENNESSEE

JEREMIAH WELCH

Plaintiff,

vs.

MUELLER WATER PRODUCTS, INC.

Defendant.

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Docket No. 2299

Division No. _____

JURY DEMANDED

2022 SEP 15 AM 9:57

FILED
JONNA HENDERSON
CLERK OF COURT

COMPLAINT

Comes now the Plaintiff, by and through counsel and for cause of action against the Defendant would state as follows:

1. The Plaintiff, Jeremiah Welch, is a citizen and resident of the state of North Carolina.
2. The Defendant, Mueller Water Products, Inc., is a business organization licensed and doing business in Marion County, Tennessee, at its plant, located at 2048 Industrial Boulevard, Kimball, Tennessee.
3. On February 24, 2022, the Plaintiff Jeremiah Welch suffered severe, catastrophic, painful, and permanent injuries, including the amputation of his leg below his right knee. Jeremiah Welch was injured while at the Defendant's plant in Marion County, Tennessee, due to the negligence of the Defendant and its employees.
4. On February 24, 2022, Plaintiff Jeremiah Welch picked up a load of steel rods in Rock Hill, South Carolina. The instructions the Plaintiff received were to deliver the steel rods to the Defendant's plant in Marion County, Tennessee.
5. The Plaintiff Jeremiah Welch arrived at Defendant's plant in Marion County, Tennessee, on February 24, 2022, at approximately 4:00 p.m. (CST). Mr. Welch

checked in at the Defendant's plant and was directed where to park so that an employee of the Defendant could unload the steel rods from the back of the Plaintiff's truck.

6. After parking his truck, the Plaintiff Jeremiah Welch took off the tarp and unstrapped the load in the back of his truck.
7. After unstrapping the load, an unknown employee of the Defendant, acting in the course and scope of his employment with the Defendant, began to remove the steel rods from the back of the Plaintiff's truck with a forklift. The Plaintiff Jeremiah Welch moved away from his truck so that the Defendant's employee could begin the process of unloading the steel rods.
8. As the unknown employee of the Defendant began the process of unloading the steel rods, he negligently dislodged two industrial steel pipes, each weighing between 1,200 and 2,000 pounds. One of the dislodged pipes fell from the forklift and rolled onto the Plaintiff's body.
9. The steel rod knocked the Plaintiff to the ground and rolled over his legs and entire body, causing the Plaintiff to suffer severe and devastating injuries.
10. The unknown employee of the Defendant was negligent in the operation of his duties, and therefore at fault for the incident and resulting damages. The negligent acts of the unknown employee of the Defendant were committed in the course and scope of his employment with the Defendant, Mueller Water Products, Inc. Specifically, the unknown employee was negligent in the following ways:
 - a) The unknown employee of the Defendant was operating the forklift without maintaining a proper lookout.

- b) The unknown employee of the Defendant was operating the forklift without paying proper attention to his surroundings, including directing the Plaintiff to move further away from the unloading area when he knew, or should have known the Plaintiff was not in a safe area.
- c) The unknown employee of the Defendant was operating the forklift without using reasonable and due care to avoid injury to another person, specifically the Plaintiff, Jeremiah Welch.
- d) The unknown employee of the Defendant was operating the forklift in a way that did not properly secure the steel rods he was removing from the Plaintiff's truck.

11. Based on his conduct described herein, the unknown employee of the Defendant was negligent.

12. The Defendant, Mueller Water Products, Inc. is vicariously liable for the above negligent acts of its unknown employee, committed in the course and scope of his employment.

13. Further, the Defendant's conduct was careless, willful, reckless, negligent, and grossly negligent in any one or more of the following particulars, to wit:

- a) Failing to properly supervise, train and/or educate its employee on how to operate a forklift;
- b) Failing to properly supervise, train and/or educate its employee to make certain Plaintiff Jeremiah Welch was a safe distance away so that if its employee dislodged a steel rod, it would not injure the Plaintiff;

- c) Failing to properly supervise, train and/or educate its employees so that it had the proper number of employees carry out the function of unloading the steel rods from the Plaintiff's truck;
- d) Failing to have the proper equipment to unload the steel rods;
- e) Failing to provide a safe environment;
- f) Failing to protect Jeremiah Welch from his injuries which were reasonably foreseeable;
- g) Failing to exercise due care and caution that a reasonable and prudent person would have used under the circumstances then and there prevailing; and
- h) In such other particulars as may be ascertained through discovery procedures pursuant to the Tennessee Rules of Civil Procedure.

14. Any one or more of the Defendant's acts, or the negligent acts of its employees were the direct and proximate cause of injuries and damages suffered by Jeremiah Welch herein, said acts or omissions being in violation of the laws of the State of Tennessee.

DAMAGES

The Plaintiff repeats and reiterates the allegations contained above as though fully repeated herein.

15. As a direct and proximate result of the aforesaid negligent acts or omissions of the Defendant, and its unknown employee as outlined above, Jeremiah Welch sustained serious, permanent, and life altering injuries. Jeremiah Welch suffered multiple fractures and injuries to his left and right leg. Plaintiff suffered a displaced open shaft fracture to his left leg requiring surgery. As a result of the devastating injuries to his right leg, it was amputated below his knee.

16. Jeremiah Welch has incurred over \$100,000.00 in medical bills because of the incident on February 24, 2022, and will incur more medical bills in the future.
17. Jeremiah Welch has endured, and will continue to endure pain and suffering and loss of enjoyment of life due to the injuries sustained.
18. Jeremiah Welch is permanently scarred, disfigured, and impaired because of the February 24, 2022, incident and injury.
19. Jeremiah Welch has lost both earnings and earning capacity as a result of the Defendant's negligence.
20. Jeremiah Welch seeks to recover for all damages allowed under Tennessee law.

WHEREFORE, PLAINTIFF JEREMIAH WELCH MAKES THE FOLLOWING PRAYER FOR RELIEF:

1. A judgment for compensatory damages against the Defendant Mueller Water Products, Inc. for 2,500,000.00 and award of all discretionary costs and court costs.
2. Such other and further relief as this Court deems reasonable, necessary, and just.

Respectfully submitted,

SUMMERS, RUFOLO & RODGERS, P.C.

BY: 

JEFFREY W. RUFOLO (BPR #015013)

The James Building

735 Broad Street, Suite 800

Chattanooga, TN 37402

Email: jrufo@summersfirm.com

Tel: 423/265-2385 Fax: 423/266-5211

Attorney for Plaintiff